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Minutes

Board of Elevator Regulations

**One Ashburton Place, 13th Floor Room 1301, DPS conference room
July 26, 2016 - 1:00PM**

Board Members Present:

Stephen Sampson, Chairman
David Gaudet
John O'Donoghue
David Morgan
Cheryl Davis
Michael J. Nicoloro Jr.

Guest Present:

Charles Young (Keystone Elevator)
Elton Watkins (Watkins Elton Law Offices)
Stephen Seans (Elevator IUEC 4)
Stephen Nee (OSHA)
Howard Clark (Paradigm Properties)
Marc Langone (Lerch Bates)
Mark Rosenshein (Colliers International)
Geoffrey Lewis (Colliers International)
Deirdre Hosler (Counsel to the Board)
Ruthy Barros (DPS)

Board Members Absent:

Thomas Riley
Harold J. McGonagle

1. The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on July 19, 2016. **A motion to accept the minutes was made by David Morgan. The motion was seconded by John O'Donoghue. Vote: 5-0 and abstained by David Gaudet.**

The Board discussed the following:

1. Appeal Hearing on Charles Young Disciplinary Decision

Attorney Elton Watkins and Charles Young came before the Board appealing a disciplinary decision dated July 1, 2016 that was made by the Board of Elevator Examiners. The Elevator Examiners found that Mr. Young had improperly decommissioned an elevator and revoked Mr. Young's license for one year. Attorney Elton Watkins elicited testimony from Mr. Young. Mr. Young stated he is employed through Keystone Elevator and has held an elevator mechanic license for 30 years and within his years in the trade, he has decommissioned approximately 50 elevators. Mr. Young also stated he was an Inspector for the Department of Public Safety Elevator Division for approximately 7 years. Upon arrival to 474 Beacon Street, Mr. Young stated that he asked the demolition contractor numerous times if the elevator was at the bottom floor and was told yes. Mr. Young stated that from his past experience, squirrel caged elevators have walk-in pits. Mr. Young could not get down into the pit due to the amount of debris. Mr. Young stated that he jumped on top of the elevator cab to make sure it wouldn't move. Mr. Young stated he believed to have properly decommissioned the elevator and was confident the elevator was at the lowest landing. The Board members questioned Mr. Young on the steps he stated he took to properly decommission the elevator located on 474 Beacon Street. Attorney Watkins requested that the Board revise the one year revocation and retaking the Elevator Mechanic License Exam decision that was decided by the Board of Elevator of Examiners. Attorney Watkins asked the Board to consider a 6 month license revocation without retaking the Elevator Mechanic License Exam, for Mr. Young. The Board decided take this matter under advisement.

2. 93 Summer Street – Boston, MA

Unit: 1-F-6923

524 CMR ASME A17.1 2.7.3.5 NFPA 620-51 (c), A17.1 2004 2.7.3.4.1 and 2.7.3.4.2

Owner: Paradigm Capital Advisors / Paradigm Properties

Petitioners: Howard Clark

The petitioners came before the Board seeking a variance from the 524 CMR sections that incorporate A17.1 2004. The petitioner stated that due to the preexisting size and configuration of the machine room, the disconnect cannot be placed on either side of the jamb. On the right side of the door jamb the controller is very tight to the wall and this does not leave enough room. On the left side the technician would be required to reach over the rotating equipment. The petitioner proposed to retain the existing disconnect outside of the machine room entrance and then install a second disconnect on the back wall of the machine room. Also, the petitioner stated that the preexisting machine room had no door before the modernization. Due to the preexisting location and size constraints of the machine room, the current 64.5" door opening does not meet the required height of 80". The petitioner proposed to install an overhead rolling door. The petitioner stated that the proposed door, for safety reasons, would not be self-closing and would be locked by a combination pad lock provided by the elevator contractor. A motion was put forth by David Morgan to place the petition on hold for additional information in regards to the specific code deficiencies in the preexisting machine room for 30 days. The motion was seconded by David Gaudet.

Motion: David Morgan

Seconded by: David Gaudet

Vote: 6-0; Place on hold for 30 days.

3. 255 St Botolph Street – Boston, MA

Unit: 1-P-16209

524 CMR Section 35.00 Item 2.7.1.2.1 and A17.1-2004 Section 2.7 Item 2.7.4.1

Owner: New England Conservatory

Petitioner: Mark Rosenhein

The petitioner came before the board seeking a variance for a limited section in the rear of the elevator machine room outside of the minimum area service clearance. The petitioner stated that the 255 St Botolph Street is currently under construction of a 10 story dormitory and program space for New England Conservatory. The preexisting machine room is an “L” shaped room, where all of the equipment is in the front portion of the room and is accessible from the front side. The petitioner stated that the shape of the room allows them to do a 90 degree turn of the hydraulic line before it enters the hoist. Between the piece of equipment and the 90 degree bender, there is a steel beam that runs through the room. The bottom of that beam is below the required 84” of clear headroom height in a machine room. A motion was put forth by David Morgan to grant the variance with changes to the beam. The beam is required to be identified with signage and painted a color, to warn people of the low overhead. The Board’s justification is that there is no continuous maintenance being done in the machine room area. The motion was seconded by Cheryl Davis.

Motion: David Morgan

Seconded by: Cheryl Davis

Vote: 5-0; Granted. Michael J. Nicoloro Jr. was not present during voting.

Matters not reasonably anticipated 48 hours in advance of meeting

Exhibit List:

Exhibit 1: Meeting minutes from July 19, 2016

Exhibit 2: Appeal hearing packet for Mr. Young consisting of Inspector’s Report for elevator incident at 474 Beacon St. and decision by the Board of Elevator Examiners

Exhibit 3: Variance Petition – 93 Summer Street – Boston, MA

Exhibit 4: Variance Petition – 255 St Botolph Street – Boston, MA

Motion to adjourn by: John O’Donoghue

Seconded by: Michael J. Nicoloro Jr.

Vote: 6-0; Granted.

Hearing Concluded at 2:35 p.m.

Prepared by: Ruthy Barros